

Message Text

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INFO OCT-01 ISO-00 COA-02 L-03 SCA-01 JUSE-00 CG-00 DOTE-00

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FM SECSTATE WASHDC

TO AMEMBASSY BUCHAREST

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TAGS:EFIS RO

SUBJECT: DETENSION OF TRAWLER INAU

REF: BUCHAREST 1364 AND PREVIOUS

1. AT HEARING APRIL 5 MASTER OF INAU ARRANGNED IN US DISTRICT COURT. COUNSEL ENTERED PLEA OF NOT GUILTY. CASE BOUND OVER FOR TRIAL. MASTER AGAIN RELEASED ON OWN RECOGNIZANCE. MASTER AND CREW REMAIN ABOARD VESSEL, WHICH IS BERTHED AT MILITARY INSTALLATION IN BALTIMORE. ROUTINE GUARD ASHORE.

2. BOGDAN EARLY APRIL 5 REQUESTED SEE SECRETARY DURING COURSE OF DAY (HE LEFT LATE IN THE AFTERNOON FOR BUCHAREST ON OTHER MATTERS). ASSISTANT SECRETARY HARTMAN SAW HIM AT LUNCH WHICH BOTH WERE SCHEDULED TO ATTEND. BOGDAN IN GENERAL FOLLOWED MOST RECENT LINE BY PACOSE (REFTEL) AND HARTMAN URGED HIM TO HAVE ANY POSSIBLE EX-LIMITED OFFICIAL USE

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TENUATING CIRCUMSTANCES BROUGHT TO THE ATTENTION OF DISTRICT

ATTORNEY AND COURT. DEPTOFFS TOOK SIMILAR LINE IN SEPARATE MEETINGS WITH IONITA AND ROMANIAN EMBOFF IN COURSE OF THE DAY.

3. BOGDEN AND IONITA BOTH INDICATED THAT THEY AWARE FROM REMARKS BY DA THAT JUSTICE DEPARTMENT HAS, IN USUAL

PROCEDURE, PROVIDED RECOMMENDATION TO THE DA AS TO APPROPRIATE LEVEL OF FINE WHICH SHOULD BE LEVIED IF DA'S CASE IS SUPPORTED BY EVIDENCE AVAILABLE. JUSTICE RECOMMENDATION BASED ON COMMERCE DEPARTMENT NATIONAL MARINE FISHERIES SERVICE PROPOSAL OF 125,000 DOLLARS IN WHICH STATE DEPARTMENT CONCURRED. THIS FIGURE IS COMPARABLE TO FINE LEVIED IN RECENT BULGARIAN CASE AND ABOUT HALF OF FINES LEVIED ON RECENT SOVIET AND JAPANESE VIOLATIONS. IONITA, WHO ASKED WHETHER STATE DEPARTMENT HAD PROPOSED THIS FIGURE, WAS TOLD THAT THIS WAS FIGURE RECOMMENDED BY COMPETENT USG AUTHORITIES. SHOULD QUESTION ARISE IN BUCHAREST, IT MAY BE EMPHASIZED THAT RECOMMENDATION OF FINE LEVEL IS NOT A JUDGMENT OF GUILT, WHICH ENTIRELY IN HANDS OF COURT, BUT RECOMMENDATION OF APPROPRIATE PENALTY IF GUILT IS ESTABLISHED.

4. ROMANIANS WILL CLEARLY BE UNHAPPY WITH COSTLY PROSPECT OF REMAINING IN PORT UNTIL TRIAL DATE. DEPARTMENT WILL EXPLORE POSSIBILITIES OF EXPEDITING MATTER OR URGING ROMANIAN CONSIDERATION SETTLEMENT AT LEVEL OF PENALTY PROPOSED BY DA.

5. THERE IS NO LEGAL BAR TO PARTICIPATION BY ROMANIAN CONSUL IN DISCUSSIONS BETWEEN COUNSEL AND US ATTORNEY. RUSH

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